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MUNICIPAL AND PLANNING LAW

S. M. Makuch

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MUNICIPAL AND PLANNING LAW

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CHAPTER I

INTRODUCTION

The purpose of this course is to provide the student with a basic understanding of the workings of local government, the constraints within which municipalities operate, and in particular the planning powers of municipalities. Lawyers engaged in the practice of municipal law are often called upon to fill a number of roles: acting as counsel to municipal governments and preparing municipal legislation; handling suits for or against the municipal corporation; advising the municipality on finance and bond issues; assisting either the municipality or private citizen with planning or other policy matters; advising on municipal reorganization and intergovernmental relations. In any of these capacities it is important for the lawyer to have an understanding of the institutional, the financial and the legal framework within which municipalities function. An understanding of the municipal planning function is also crucial as it is one of the most important aspects of municipal authority.

The materials in this casebook survey a number of these important areas: municipal organization; problems in local government finance; judicial review of municipal powers; the role of the municipality in planning, the provincial role in planning and in particular the role of the Ontario Municipal Board as an administrative review agency. Official plans, zoning by-laws, and development agreements are important aspects of this examination. It is hoped that this course will provide both a broad perspective from which to view municipal government and planning and a narrower perspective from which specific legal problems particularly with respect to planning may be analyzed.

The theme of this course is that the purpose of local government is to ensure local political control over the delivery of local services and local planning decisions. The adequacy of present local government structures, and authority and the appropriateness of judicial and administrative review of local government action should be kept in mind.